

# EXHIBIT E

(Request for Declaration)

## Melissa Boehlke

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**From:** Wes Rahn  
**Sent:** Wednesday, December 6, 2023 8:32 PM  
**To:** Melissa Boehlke  
**Subject:** FW: CCG v. CCBOER

### Wes Rahn



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(912) 236-8725 *facsimile*

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**From:** Ben Perkins <bperkins@olivermaner.com>  
**Sent:** Monday, November 20, 2023 4:32 PM  
**To:** Anthony A. Rowell <ARowell@hallboothsmith.com>; Vickers, Wesley <Wesley.Vickers@coffeecounty-ga.gov>; Charles Dial <charles.dial@coffeecounty-ga.gov>  
**Cc:** Jennifer Dorminey Herzog <jherzog@hallboothsmith.com>; Wes Rahn <wrahn@olivermaner.com>; Cary Ichter <Cichter@IchterDavis.com>; Halsey G. Knapp, Jr. <hknapp@khlawfirm.com>  
**Subject:** FW: CCG v. CCBOER

Tony, Charles, and Wesley:

We have been communicating with Plaintiffs' counsel (Cary Ichter for CGG and Halsey Knapp for Curling) in the *Curling* litigation with regard to their Motion to Compel filed in the Southern District. One issue we are working on is the location and identity of a "silver laptop" seen being held by Hampton in the security video from the elections office on January 7, 2021 and thereafter. Mr. Ichter wants each of you to give a declaration as to your knowledge of the ownership and current location of the laptop in the video, as well as any other laptops used by Hampton during her employment with CCBOER. See below for additional context. Mr. Ichter and Mr. Knapp are copied on this email.

Thanks,

Ben Perkins  
Oliver Maner LLP  
912-238-2515

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**From:** Cary Ichter <[Cichter@IchterDavis.com](mailto:Cichter@IchterDavis.com)>  
**Sent:** Thursday, November 16, 2023 1:58 PM  
**To:** Ben Perkins <[bperkins@olivermaner.com](mailto:bperkins@olivermaner.com)>  
**Cc:** Marilyn Marks <[marilyn@uscgg.org](mailto:marilyn@uscgg.org)>; Bruce Perrin Brown Esq. ([bbrown@brucebrownlaw.com](mailto:bbrown@brucebrownlaw.com))

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**Subject:** RE: CCG v. CCBOER

Ben: We are not in a position to know the declarants' knowledge of the history, use, whereabouts, possession, custody, or control of the laptop, and certainly, therefore, cannot draft the declaration.

We would suggest that the declaration include (but not be limited to) issues such as:

- whether the county had purchased (or reimbursed the cost of) such a laptop;
- their knowledge of whether Ms. Hampton used such a laptop in her work;
- the supporting facts behind the 5/22/23 GBI email asserting that Mr. Rowell stated in September 2022 that there was a laptop that Misty used, but he was not prepared to produce it;
- whether they have ever seen the laptop used by Ms. Hampton or had it in their possession, custody, or control;
- whether they know of anyone who has reportedly had possession or control or custody of the laptop since Mr. Barnes departure;
- the efforts to locate the laptop since the subpoenas were served in mid-2022, including identifying the individuals who have been asked about the potential whereabouts of the laptop and its use;
- their knowledge of whether Mr. Dial's company ever worked with the laptop, and if so when and what work was performed;
- information gathered in their search for the laptop that evidences who may have last seen or used the laptop;
- any information they have learned about the potential contents of the laptop.

As for Mr. Dial, as I suggested at the hearing, whether he has any records related to servicing any laptop for Ms. Hampton or any documents that would provide more descriptive information regarding the type of laptop we are looking for.

I hope this is helpful. It is important that this and the other requirements be completed promptly.

Thanks Cary

Cary Ichter, Partner

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**From:** Ben Perkins <[bperkins@olivermaner.com](mailto:bperkins@olivermaner.com)>  
**Sent:** Thursday, November 16, 2023 10:44 AM  
**To:** Cary Ichter <[Cichter@IchterDavis.com](mailto:Cichter@IchterDavis.com)>  
**Cc:** Marilyn Marks <[marilyn@uscgg.org](mailto:marilyn@uscgg.org)>; Bruce Perrin Brown Esq. ([bbrown@brucepbrownlaw.com](mailto:bbrown@brucepbrownlaw.com)) <[bbrown@brucepbrownlaw.com](mailto:bbrown@brucepbrownlaw.com)>; Halsey G. Knapp, Jr. <[hknapp@khlawfirm.com](mailto:hknapp@khlawfirm.com)>; [sparks@khlawfirm.com](mailto:sparks@khlawfirm.com); Rob McGuire <[ram@lawram.com](mailto:ram@lawram.com)>; Jill Connors <[JConnors@IchterDavis.com](mailto:JConnors@IchterDavis.com)>; Jennifer Dorminey Herzog <[jherzog@hallboothsmith.com](mailto:jherzog@hallboothsmith.com)>; Wes Rahn <[wrahn@olivermaner.com](mailto:wrahn@olivermaner.com)>; Nick Kinsley <[NKinsley@hallboothsmith.com](mailto:NKinsley@hallboothsmith.com)>; Anthony A. Rowell <[ARowell@hallboothsmith.com](mailto:ARowell@hallboothsmith.com)>  
**Subject:** RE: CCG v. CCBOER

Cary,  
That seems vague but I will forward your request for a declaration to Mr. Dial, Mr. Vickers, and Mr. Rowell regardless of what language they contain. I suggest that you provide the proposed language for the declarations. I don't have anything in writing about the modification of the search warrant, which is the reason I qualified my remark that it was my understanding.... Nor do I have emails on the issue, so no need to send an ORR. I haven't checked the docket, but that's what you probably would want to do .

Ben Perkins  
Oliver Maner LLP  
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**From:** Cary Ichter <[Cichter@IchterDavis.com](mailto:Cichter@IchterDavis.com)>  
**Sent:** Thursday, November 16, 2023 9:57 AM  
**To:** Ben Perkins <[bperkins@olivermaner.com](mailto:bperkins@olivermaner.com)>  
**Cc:** Marilyn Marks <[marilyn@uscgg.org](mailto:marilyn@uscgg.org)>; Bruce Perrin Brown Esq. ([bbrown@brucepbrownlaw.com](mailto:bbrown@brucepbrownlaw.com)) <[bbrown@brucepbrownlaw.com](mailto:bbrown@brucepbrownlaw.com)>; Halsey G. Knapp, Jr. <[hknapp@khlawfirm.com](mailto:hknapp@khlawfirm.com)>; [sparks@khlawfirm.com](mailto:sparks@khlawfirm.com); Rob McGuire <[ram@lawram.com](mailto:ram@lawram.com)>; Jill Connors <[JConnors@IchterDavis.com](mailto:JConnors@IchterDavis.com)>; Jennifer Dorminey Herzog <[jherzog@hallboothsmith.com](mailto:jherzog@hallboothsmith.com)>; Wes Rahn <[wrahn@olivermaner.com](mailto:wrahn@olivermaner.com)>; Nick Kinsley <[NKinsley@hallboothsmith.com](mailto:NKinsley@hallboothsmith.com)>; Anthony A. Rowell <[ARowell@hallboothsmith.com](mailto:ARowell@hallboothsmith.com)>  
**Subject:** RE: CCG v. CCBOER

Ben: I am working on scheduling our pre-conference conference.

I want to clarify on the question of identifying the laptop. While we believe that the laptop pictured in the photos you sent is likely the laptop that Ms. Hampton used in her election work, we have limited information as to whether these pictures depict that

particular laptop in question. We are seeking responsive documents on the laptop used by Ms. Hampton to create Voter IDs and used when she went to election training sessions and poll locations. We believe the laptop in the photo is the laptop Mr. Barnes referenced in his deposition at Transcript. (pages 49-51 and 56 and possibly other pages), but we are not comfortable limiting the scope of our request based on the pictures. We simply do not have enough information about the laptop to do that.

I believe that Marilyn sent along some suggestions of people with likely knowledge for you to talk with who might provide more information on its use. Additionally, please share what you have learned about the modification of the search warrant by the Coffee County Superior Court.

We will be getting back with you on refining search terms soon. Thanks Cary

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**From:** Ben Perkins <[bperkins@olivermaner.com](mailto:bperkins@olivermaner.com)>  
**Sent:** Wednesday, November 15, 2023 4:55 PM  
**To:** Cary Ichter <[Cichter@IchterDavis.com](mailto:Cichter@IchterDavis.com)>  
**Cc:** Marilyn Marks <[marilyn@uscgg.org](mailto:marilyn@uscgg.org)>; Bruce Perrin Brown Esq. ([bbrown@brucebrownlaw.com](mailto:bbrown@brucebrownlaw.com)) <[bbrown@brucebrownlaw.com](mailto:bbrown@brucebrownlaw.com)>; Halsey G. Knapp, Jr. <[hknapp@khlawfirm.com](mailto:hknapp@khlawfirm.com)>; [sparks@khlawfirm.com](mailto:sparks@khlawfirm.com); Rob McGuire <[ram@lawram.com](mailto:ram@lawram.com)>; Jill Connors <[JConnors@IchterDavis.com](mailto:JConnors@IchterDavis.com)>; Jennifer Dorminey Herzog <[jherzog@hallboothsmith.com](mailto:jherzog@hallboothsmith.com)>; Wes Rahn <[wrahn@olivermaner.com](mailto:wrahn@olivermaner.com)>; Nick Kinsley <[NKinsley@hallboothsmith.com](mailto:NKinsley@hallboothsmith.com)>; Anthony A. Rowell <[ARowell@hallboothsmith.com](mailto:ARowell@hallboothsmith.com)>  
**Subject:** RE: CCG v. CCBOER

Cary,  
The court asked us to confer before the Nov. 17 status conference, which is at 3.  
When/what time would you like to do the conferral? I assume Friday. If so, I'm currently free other than noon till 1. I'd suggest 11 a.m., since something may arise that causes us to need to reconvene before the status conference.

Ben Perkins  
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**From:** Cary Ichter <[Cichter@IchterDavis.com](mailto:Cichter@IchterDavis.com)>  
**Sent:** Wednesday, November 15, 2023 4:00 PM  
**To:** Ben Perkins <[bperkins@olivermaner.com](mailto:bperkins@olivermaner.com)>  
**Cc:** Marilyn Marks <[marilyn@uscgg.org](mailto:marilyn@uscgg.org)>; Bruce Perrin Brown Esq. ([bbrown@brucepbrownlaw.com](mailto:bbrown@brucepbrownlaw.com)) <[bbrown@brucepbrownlaw.com](mailto:bbrown@brucepbrownlaw.com)>; Halsey G. Knapp, Jr. <[hknapp@khlawfirm.com](mailto:hknapp@khlawfirm.com)>; [sparks@khlawfirm.com](mailto:sparks@khlawfirm.com); Rob McGuire <[ram@lawram.com](mailto:ram@lawram.com)>; Jill Connors <[JConnors@IchterDavis.com](mailto:JConnors@IchterDavis.com)>; Jennifer Dorminey Herzog <[jherzog@hallboothsmith.com](mailto:jherzog@hallboothsmith.com)>; Wes Rahn <[wrahn@olivermaner.com](mailto:wrahn@olivermaner.com)>; Nick Kinsley <[NKinsley@hallboothsmith.com](mailto:NKinsley@hallboothsmith.com)>; Anthony A. Rowell <[ARowell@hallboothsmith.com](mailto:ARowell@hallboothsmith.com)>  
**Subject:** RE: CCG v. CCBOER

Ben: We may have some commentary on the photos before we have a final word on those. We are conducting a booth review at the moment. Will let you know shortly if the call on the field stands.

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**From:** Cary Ichter  
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**Cc:** Marilyn Marks <[marilyn@uscgg.org](mailto:marilyn@uscgg.org)>; Bruce Perrin Brown Esq. ([bbrown@brucepbrownlaw.com](mailto:bbrown@brucepbrownlaw.com)) <[bbrown@brucepbrownlaw.com](mailto:bbrown@brucepbrownlaw.com)>; Halsey G. Knapp, Jr. <[hknapp@khlawfirm.com](mailto:hknapp@khlawfirm.com)>; [sparks@khlawfirm.com](mailto:sparks@khlawfirm.com); Rob McGuire <[ram@lawram.com](mailto:ram@lawram.com)>; Jill Connors <[JConnors@IchterDavis.com](mailto:JConnors@IchterDavis.com)>; Jennifer Dorminey Herzog <[jherzog@hallboothsmith.com](mailto:jherzog@hallboothsmith.com)>; Wes Rahn <[wrahn@olivermaner.com](mailto:wrahn@olivermaner.com)>; Nick Kinsley <[NKinsley@hallboothsmith.com](mailto:NKinsley@hallboothsmith.com)>; Anthony A. Rowell <[ARowell@hallboothsmith.com](mailto:ARowell@hallboothsmith.com)>  
**Subject:** RE: CCG v. CCBOER

Yeah. You should be on the N. D. case. A cast of 1000s that seems to change weekly. And, yes, that is the laptop as I understand it.

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**From:** Ben Perkins <[bperkins@olivermaner.com](mailto:bperkins@olivermaner.com)>

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**Subject:** RE: CCG v. CCBOER

Cary,

I will do my best to remember to include Ms. Marks on emails. As I mentioned in a Nov. 2 email, in the future, please include Wes and the HBS folks on your emails regarding this matter. I've added them now. It seems that you and I are having the same difficulties keeping track of who all to include.

Do you agree that the laptop to which the proposed declaration refers is the one shown in the attached three photos?

Ben Perkins  
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**From:** Cary Ichter <[CIchter@IchterDavis.com](mailto:CIchter@IchterDavis.com)>

**Sent:** Wednesday, November 15, 2023 3:06 PM

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**Subject:** CCG v. CCBOER

Ben: First, Marilyn was not copied on the last email I rec'd from you. Can we please make sure that does not happen again? I would appreciate it.

Here is a description of what we asked for in the declarations of the three individuals identified: The declarations of Wesley Vickers (county manager), Tony Rowell (county attorney), and Charles Dial (the county's external IT consultant) regarding their knowledge of the history of use, ownership, possession, control, custody, and present whereabouts of this Silver laptop. Mr. Dial's declaration should also report on his best recollection what kind of computers Ms. Hampton used and whether he has any records or other documents related in any way to that device. If he has any such records, we ask that Mr. describe and produce those documents. We ask that this be accomplished by next week.

Thanks Cary

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